

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction - Preliminary Design & Environmental*

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December 19, 2006

Re: Pelican Boardwalk Repair Project
No: 69216

Requested Action: Environmental
Document Approval

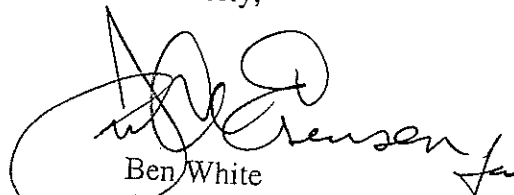
Mike McKinnon
Transportation Administrator
Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

Dear Mr. McKinnon:

On behalf of the federal Denali Commission, as described in the Memorandum of Agreement of August 2006, the Alaska Department of Transportation & Public Facilities (DOT&PF) has completed environmental scoping and signed a Categorical Exclusion environmental document. DOT&PF has determined that the Pelican Boardwalk Repair project will not have adverse effects on federally protected resources under NEPA. This is the first environmental document prepared by Southeast Region DOT&PF for the Denali Commission.

Please review and sign the enclosed documents to indicate your approval, and return one copy to DOT&PF. If you have any questions, please contact Mark Anderson at 465-4509 or at mark_anderson@dot.state.ak.us.

Sincerely,


Ben White
Acting Environmental Coordinator

Enclosure:
Categorical Exclusion NEPA Document (2 copies)

cc: Mark Anderson, Environmental Impact Analyst, DOT&PF
Jim Evensen, PD&E Group Chief, DOT&PF



CATEGORICAL EXCLUSION DOCUMENTATION FORM

Project Name: Pelican Boardwalk Repair
Project Number (state/federal): 69216

Date: December 19, 2006

I. Purpose of Project

The purpose of this project is to use Denali Commission funding to replace failing members of the extensive boardwalk in the community of Pelican as recommended by the Inspection and Condition Assessment prepared for DOT&PF by Peratrovich, Nottingham and Drage, Inc. Portions of the Pelican Boardwalk are over 50 years old. The boardwalk is in fair to poor condition and improvements are needed to ensure the safety of the traveling public in the future. The members to be replaced are damaged or have succumbed to dry rot.

II. Project Description

The project would replace 17 pilings, 17 pairs of cross braces, 14 pile caps and pipe supports and at least 7 sets of stringers. All of these members are pressure creosote treated wood and would be replaced in-kind with pressure treated creosote wood. The pilings would require a concrete footing, since pile driving would not be feasible under the existing boardwalk. All construction would be within the present limits of the boardwalk structure. Project graphics are attached in Appendix A.

III. Environmental Consequences

Complete the following. For each yes, summarize the activity evaluated and the magnitude of the impact and the potential for significant impact based on context and intensity. An alternatives analysis (e.g. Avoidance and Minimization Checklist) is required for any consequence category with an asterisk (). Summarize impacts in this form with detailed analysis attached as appropriate.*

A. Right-of-Way Impacts

	N/A	YES	NO
1. Additional right-of-way required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Permanent easements required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated number of parcels: <u>0</u>			
b. Full or partial property acquisition required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated number of parcels: <u>0</u>			
c. Property transfer from state or federal agency required. List agencies in No. 3 below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Business or residential relocations required. If yes, summarize the findings of the conceptual stage relocation study in No. 3, below and attach the conceptual relocation study.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
No. of relocations: <u>0</u>			
Type of relocation: Residential: <input type="checkbox"/> Business: <input type="checkbox"/>			
Residential (Indicate number: _____)			

Business (Indicate number: _____)

- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| e. Last-resort housing required. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Low-income and minority populations are disproportionately high and adversely affected by the project as defined in E.O. 12898 (DOT Order 6640.23, December 1998). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Summarize impact. | | | |

B. Social Impacts

N/A YES NO

- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The project will affect neighborhoods or community cohesion. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The project will affect travel patterns and accessibility (e.g. vehicular, commuter, bicycle, or pedestrian). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. The project will affect school boundaries, recreation areas, churches, businesses, police and fire protection, etc. Include the direct and indirect impacts from the displacement of businesses in the analysis. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The project will adversely affect the elderly, handicapped, nondrivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Summarize impacts, if any. | | | |

C. Economic Impacts

N/A YES NO

- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. The project will have economic impacts on the regional and/or local economy, such as effects on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The project will affect established businesses or business districts. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Summarize impacts, if any. | | | |

D. Local Land Use and Transportation Plan

N/A YES NO

- | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|
| 1. Project is consistent with local land use plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Project is consistent with local transportation plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Project would induce adverse secondary and cumulative effects. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Summarize any adverse effect on the local transportation and land use plan, including secondary and cumulative effects. | | | |

E. Impacts to Historic Properties

N/A YES NO

- | | | | |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. National Register-listed or eligible properties are in area of potential effect. If yes, consult with FHWA. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|

E. Impacts to Historic Properties

N/A YES NO

2. There will be an adverse effect on a historic property. *If yes, consult with FHWA, summarize alternatives evaluated, attach SHPO correspondence, and attach signed MOA.*
3. This project has no potential to cause effect to historic properties. *Formal review under Section 106 of the National Historic Preservation Act is not required per 36 CFR 800.3(a)(1). If yes, consult with FHWA. Attach SHPO and other appropriate correspondence as appropriate.*
4. Summarize impacts to historic properties.

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SHPO responded to the COE Preconstruction Notice on September 28, 2006 stating that the Pelican Boardwalk (SIT-711) is potentially eligible for inclusion on the National Register of Historic Places. The SHPO also stated that this repair project would not adversely affect the Pelican Boardwalk as long as the damaged wooden members were replaced with in-kind materials. This is the reason for DOT&PF insistence on the use of creosote treated wood for pilings and other wooden members.

F. Wetlands Impacts

N/A YES NO

1. Project involves wetlands as defined by the U.S. Army Corps of Engineers (USACE). *If yes, document public and agency coordination required per E.O. 11990, Protection of Wetlands.*
2. Wetlands delineated in accordance with DOT&PF/FHWA/USACE 1992 Permit Accord.
3. Estimated area of involvement (i.e. acres): _____
4. Estimated fill quantities (cubic yards): _____
5. Estimated dredge quantities (cubic yards): _____
6. USACE authorization anticipated: None ☐
Type: NWP ☐ Individual ☐ Other ☐
7. Summarize wetlands impacts and attach following supporting documentation as appropriate:
- Avoidance and Minimization Checklist.
 - Wetlands Delineation.
 - Jurisdictional Determination.
 - Copies of public and resource agency letters received in response to the request for comments.

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Wetlands impacts are as follows:

8. Wetlands Finding:

- a. Are there practicable alternatives to the proposed construction in wetlands? *If yes, the project cannot be approved as proposed.*
- b. Does the project include all practicable measures to minimize harm to wetlands? *If no, the project cannot be approved as proposed. List any commitments and*

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mitigative measures in Section VII.

- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| c. Only practicable alternative: Based on the evaluation of avoidance and minimization alternatives, there are no practicable alternatives that would avoid the project's impacts on wetlands. The project includes all practicable measures to minimize harm to the affected wetlands as a result of construction. <i>If no, the project cannot be approved as proposed.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|--------------------------|

G. Fish and Wildlife

N/A YES NO

- | | | | |
|---|--------------------------|---------------------------------------|-------------------------------------|
| 1. Anadromous or resident fish habitat. | | | |
| a. Adverse effect on spawning habitat. | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| b. Adverse effect on rearing habitat. | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| c. Adverse effect on migration corridors. | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| d. Adverse effect on subsistence species. | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| 2. Essential Fish Habitat (EFH). | | | |
| a. EFH present in project area. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Project proposes construction in EFH. <i>If yes describe EFH impacts in Section G, No. 5.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Project may adversely affect EFH. <i>If yes, attach EFH Assessment.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> * | <input type="checkbox"/> |
| d. Project includes conservation recommendations proposed by NOAA Fisheries. If no, formal notification must be made to NOAA Fisheries. (Summarize the final conservation measures in No. 5 and list in Section VII). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Wildlife Resources (game/subsistence species): | | | |
| a. Project is in area of high wildlife/vehicle accidents. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Project would bisect migration corridors. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Project would segment habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Project would adversely affect species of concern to Alaska Department of Fish and Game (ADF&G). <i>If yes, attach appropriate documentation from ADF&G that demonstrates the project would not result in significant adverse impacts.</i> | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| 4. Bald Eagle and Golden Eagle Protection Act | | | |
| a. Project slope limits are within 660 feet of eagle nesting tree. <i>If yes, consult USF&WS and attach documentation of consultation.</i> | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| b. Project would adversely affect eagles or their nests. <i>If yes, project cannot be approved as proposed.</i> | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| 5. Summarize adverse fish and wildlife impacts. | | | |

No anadromous fish streams, as identified in *An Atlas to the Catalog of Water Important for Spawning, Rearing, or Migration of Anadromous Fishes*, would be affected by the proposed project.

Lisianski Inlet is designated as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act and provides habitat for herring, sculpins and migrating adult and juvenile salmon. As this project may adversely affect EFH, DOT&PF has prepared an EFH assessment for National Marine Fisheries

Service review.

NMFS and DNR OHMP questioned the use of creosote treated wood pilings in salt water contact areas. DOT&PF replied that it is required by SHPO for in-kind repair work on a historic property. DEC commented that they have no water quality concerns as long as we follow NWP-3, specifically Regional Condition B. The cupric treatments suggested by NMFS have comparable toxicity to marine life and are not recommended over creosote in a recent study on wood treatment alternatives in San Francisco Bay. EFH correspondence is attached in Appendix B. Other agency and public correspondence is attached in Appendix D.

H. <u>Threatened and Endangered Species (T&E)</u>	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. Listed threatened or endangered species present.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Threatened or endangered species migrate through the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Proposed species present in project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Candidate species present in project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Project not likely to adversely affect T&E species. <i>If yes, go to Section I.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Project may adversely affect T&E species. <i>If yes, attach biological assessment and the appropriate documentation from agency with jurisdiction.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
7. Project would jeopardize a T&E species. <i>If yes the project cannot be approved as proposed.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
8. Summarize the findings of the biological assessment and the opinion of the agency with jurisdiction.			

I. <u>Water Body Involvement</u>	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. Project affects a water body.	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>
2. Project affects a navigable water body as defined by USCG, (i.e. Section 9).	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
3. Project affects Waters of the U.S. (as defined by the Corps), Section 404.	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>
4. Project affects Navigable Waters of the U.S. (as defined by the Corps) Section 10.	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>
5. Project affects a resident fish stream (i.e. A.S. 41.14.840)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Project affects a cataloged anadromous fish stream (i.e. A.S. 41.14.870).	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
7. Project affects a designated Wild and Scenic River or land adjacent to a Wild and Scenic River. <i>If yes, Regional Environmental Coordinator must consult with the FHWA Environmental Program Manager to determine applicability of Section 4(f).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Proposed river or stream involvement: Bridge <input type="checkbox"/> Culvert <input type="checkbox"/> Embankment Fill <input type="checkbox"/> Relocation <input type="checkbox"/> Diversion <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> N/A <input checked="" type="checkbox"/>			
9. Type of stream or river habitat impacted: Spawning <input type="checkbox"/> Rearing <input type="checkbox"/> Pool <input type="checkbox"/> Riffle <input type="checkbox"/> Undercut bank <input type="checkbox"/> N/A <input checked="" type="checkbox"/>			
10. Amount of fill below: OHW <u>0.0</u> MHW <u>0.0</u> HTL <u>0.001</u>			
11. Summarize impacts: Placing piling footings would impact sub-tidal marine Waters of the U.S. in Lisianski Inlet, requiring			

authorization by the U.S. Army Corp of Engineers (COE). The project requires a small amount of excavation and fill. DOT&PF has minimized the footprint of the project to include only the piles most in need of repair. The COE verified the authorization under NWP 3, Maintenance (Appendix C).

	<u>N/A</u>	<u>YES</u>	<u>NO</u>
J. <u>Alaska Coastal Management Program (ACMP)</u>			
1. Project is within the Alaska Coastal Management Program boundary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Project is within a local coastal management district. <i>If yes, consult with the local coastal management official and attach correspondence.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Project is consistent with local and state coastal management plans. <i>If no, the project cannot be approved as proposed.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Finding:			
 K. <u>Hazardous Waste (HW)</u>	 <u>N/A</u>	 <u>YES</u>	 <u>NO</u>
1. There are known or potentially contaminated sites along the corridor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. The existing and/or proposed ROW is contaminated.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Extensive excavation is proposed adjacent to, or within, a known HW site.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
4. Potential for encountering hazardous waste during construction is high.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Summarize impacts of any yes marked in 1-4 and attach appropriate HW investigation report.			
 L. <u>Air Quality (Conformity)</u>	 <u>N/A</u>	 <u>YES</u>	 <u>NO</u>
1. The project is located in an air quality maintenance area or nonattainment area (CO or PM-10). <i>If yes, indicate CO <input type="checkbox"/> or PM-10 <input type="checkbox"/> and complete the remainder of this section. If no, continue to next section.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. If applicable, the project is included in a conforming Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP) (state dates of FHWA/FTA conformity determination). Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The project is exempt from an air quality analysis per 40 CFR 93.126 (Table 2 and Exempt Projects). <i>If yes, continue to next section. If no, complete the remainder of this section. Note: A project-level air quality conformity analysis is required for CO nonattainment and maintenance areas and a qualitative project-level analysis is required for PM-10 nonattainment and maintenance areas.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Have there been any significant changes in the design, concept, and/or scope as discussed in the most recent conforming TIP and LRTP? <i>If yes, describe changes in No. 7. In addition, the project must satisfy the conformity rule's requirements for projects not from a plan and TIP, or the plan and TIP must be modified to incorporate the revised project (including a new conformity analysis).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If required, a CO project-level analysis was completed meeting the requirements of Section 93.123 of the conformity rule. The results satisfy the requirements of Section 93.116(a) for maintenance areas or 93.116(b) for nonattainment areas. <i>Attach a copy of the analysis.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>N/A</u>	<u>YES</u>	<u>NO</u>
L. <u>Air Quality (Conformity)</u>			
6. If required, a PM-10 project-level air quality analysis was completed meeting the requirements of Section 93.123 of the conformity rule. The results satisfy the requirements of Section 93.116(a). (The thresholds are different for PM-10 than they are for CO). <i>Attach a copy of the analysis.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Summarize air quality impacts:			
M. <u>Floodplains Impacts (23 CFR Part 650, Subpart A)</u>	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. Project encroaches longitudinally into the 100-year floodplain (i.e. base floodplain in fresh or marine waters). <i>If yes, public comments on the action must be requested and comments received attached. Summarize the findings and attach the "Location Hydraulic Study" developed per 23CFR 650.111.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Project encroaches into a regulatory floodway. <i>If yes attach the location hydraulic study.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
3. The proposed action would increase the base flood elevation one-foot or greater. <i>If yes attach the location hydraulic study.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The encroachment is significant as defined by 23CFR 650.105. <i>If yes, the project cannot be approved as proposed without a finding that the proposed action is the "Only Practicable Alternative" as defined in 23 CFR 650.113. Attach the finding for FHWA approval.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Project conforms to local flood hazard ordinances. <i>If no, consult with FHWA.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Project is consistent with E.O. 11988 (Floodplain Protection). If no the project cannot be approved as proposed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Summarize risk and adverse floodplain impacts:			
N. <u>Noise Impact (23 CFR Part 772)</u>	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. There are noise-sensitive receivers/land uses adjacent to the proposed project. <i>If yes attach the noise analysis, if applicable. If no, go to section "O".</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Category A: There are adjacent lands where serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Category B: There are adjacent picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, hotels, motels, schools, churches, libraries, or hospitals.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Category C: There are adjacent developed lands, properties, or activities not included in categories A or B above. This would include commercial properties.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. The project is located on new location, would result in substantial changes in vertical or horizontal alignment, or would increase the number of through lanes. <i>If yes, a noise analysis is required. If not, go to Section O.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | <u>N/A</u> | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|--------------------------|
| N. <u>Noise Impact (23 CFR Part 772)</u> | | | |
| 3. There is an existing noise impact. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The project would create a noise impact. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Noise analysis demonstrates potential noise impacts. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. There are feasible and reasonable measures that can reduce noise impacts. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. The noise abatement measures listed in 23 CFR 772.13(c)(1-5) have been considered for those receivers where a noise impact would occur. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Summarize noise impact and abatement measures considered, if applicable. | | | |

In order to reduce impacts to fish, no work will be done below the high tide line from April 1 to June 15 during the window for herring spawning and juvenile salmon outmigration.

- | | <u>N/A</u> | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|-------------------------------------|
| O. <u>Water Quality Impact</u> | | | |
| 1. Project would involve a public or private drinking source. <i>If yes, explain in no. 7.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Project would result in a discharge of storm water to a Waters of the U.S. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Project would discharge storm water into or affect an ADEC designated impaired water body. <i>If yes, list in no. 4 and describe in no. 7.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. List name(s) and location(s). | | | |
| 5. Estimate the acreage of ground-disturbing activities that will result from the project?
<u><0.01</u> acres | | | |
| 6. Is there a municipal separate storm sewer system (MS4) NPDES permit, or will runoff be mixed with discharges from an NPDES permitted industrial facility? If yes, NPDES permit #: _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Summarize the impacts of any "yes" marked in Section O. | | | |

- | | <u>N/A</u> | <u>YES</u> | <u>NO</u> |
|---|--------------------------|-------------------------------------|-------------------------------------|
| P. <u>Permits and Authorizations</u> | | | |
| 1. Corps, Section 404/10 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Coast Guard, Section 9 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Department of Natural Resources (DNR), Fish Habitat Permit (T41.870 and .840) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Flood Hazard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Department of Environmental Conservation (ADEC) Non-domestic Wastewater Plan Approval. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. ADEC 401 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. DNR, ACMP consistency | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Other. <i>If yes, list.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DOT&PF has authorization from the COE under Nationwide Permit 3, Maintenance, to place footings for 17 pilings in inter-tidal Waters of the U.S.

IV. Construction Impacts

	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. There will be temporary degradation of water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. There will be temporary stream diversion.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. There will be temporary degradation of air quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. There will be temporary delays and detours of traffic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. There will be temporary impact on businesses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. There will be other construction impacts, including noise.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Summarize construction impacts associated with any "yes" in Section IV.			

The project would cause minor, temporary construction noise. Some brief delay of boardwalk traffic may be required during construction. However, priority will be given to maintain boardwalk traffic over construction timing.

V. Section 4(f)/6(f)

	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. Section 4(f) properties would be affected by the proposed action.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. There would be a "use" of any land from these 4(f) properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The project would affect Section 6(f) properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Funds from the Land and Water Conservation Fund Act (LWCFA) were used for improvement to the 4(f) property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is the use of the property receiving LWCFA funds a "conversion of use" per Section 6(f) of the LWCFA? <i>Attach the correspondence received from the ADNR 6(f) Grants Administer. If yes, consult with FHWA.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Project is adjacent to a Section 4(f) resource. <i>If yes, consult with the FHWA Environmental Programs Manager to determine applicability of "constructive use".</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Summarize the type of involvement. Coordinate with the land manager and attach appropriate documentation (i.e. Section 4(f) or Section 6(f) Evaluation).			

VI. Comments and Coordination

	<u>N/A</u>	<u>YES</u>	<u>NO</u>
1. Public/agency involvement for project (<i>required if protected resources are involved</i>).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Newspaper ads Name of newspaper: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Scoping letters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Scoping meeting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Field review	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Summarize comments and coordination efforts for this project. Discuss pertinent issues raised during public and agency scoping and public meetings. <i>Attach agency correspondence that demonstrates coordination and that there are no unresolved issues.</i>			

Scoping letters were sent to local, state and federal agencies and the appropriate tribal entity on September 11, 2006. NMFS was consulted on Essential Fish Habitat issues. Agency correspondence is attached in Appendix D.

VII. Environmental Commitments and Mitigation Measures

N/A YES NO

List environmental commitments or mitigation measures included in the project.

NWP-3, REGIONAL CONDITION B

In fresh or marine waters, no pentachlorophenol preservatives may be used on wooden structures. In fresh waters, no creosote may be used on wooden structures. In fresh and marine waters, any preservatives on wooden structures must be applied by pressure injection using a method that prevents leaching (such as those approved by the Western Wood Preserves Institute).

- Construction of the pile footings would occur in accordance with timing recommendations from NOAA Fisheries and DNR OHMP to minimize impacts to marine or anadromous fish species. They request that no work be done on piling footings from April 1 to June 15 to protect outmigrating salmon smolts and rearing juvenile salmon and reduce the potential impact to herring spawning.
- The project contract specifications would include special conditions for implementing and maintaining Best Management Practices (BMPs) during construction to minimize project impacts to water quality.
- The contractor will prepare a Hazardous Materials Control Plan (HMCP) for handling, storage, cleanup, and disposal of petroleum products and hazardous materials needed for the project. The HMCP lists and gives locations and quantities for hazardous materials. The HMCP outlines procedures for prevention, notification, containment, and cleanup measures of spills and lists the types and quantities of equipment and materials for containment and cleanup. The HMCP also includes details dealing with unexpected contamination encountered during construction. The contractor will submit three copies of the HMCP to the engineer at least five days prior to the pre-construction meeting.

VIII. Environmental Documentation Approval

N/A YES NO

1. Project listed as a CE, per FHWA 23 CFR 771.117(c). ☒ ☐ ☐
2. Project listed as a CE, per FHWA 23 CFR 771.117(d). If no, consult with FHWA, Area Liaison. ☒ ☐ ☐
3. Project meets the criteria for programmatic approval under a Programmatic CE Agreement between FHWA and DOT&PF. ☒ ☐ ☐

Prepared by: Mark C. Anderson
Environmental Analyst

Date: Dec. 19, 2006

Reviewed by: [Signature]
Engineering Manager

Date: Dec. 19, 2006

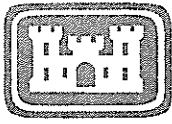
Approved by: [Signature]
Regional Environmental Coordinator

Date: Dec. 19, 2006

Approved by: _____
Denali Commission

Date: _____

Enclosure 1



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2006-1603-D

Name of Permittee: Alaska Department of Transportation and Public Facilities

Date of Issuance: OCT -3 2006

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Serena Sweet at the following address:

U.S. Army Corps of Engineers
Alaska District
Regulatory Branch
Post Office Box 5898
Elmendorf AFB, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

Regulatory Branch
POA-2006-1603-D

OCT -3 2006

ALASKA DOT & PF
SOUTHEAST REGION

OCT 05 2006

Mr. Mark Andersen
Alaska Department of Transportation
and Public Facilities
Post Office Box 112506
Juneau, Alaska 99811-2506

PRELIMINARY DESIGN & ENVIRONMENTAL

Dear Mr. Anderson:

This is in response to your September 11, 2006, request for comments on your proposal to rehabilitate the existing Pelican Boardwalk by replacing 17 piles, 17 pairs of cross braces, 14 pile caps and pipe supports, and 7 sets of stringers. The project site is located within Section 20, T. 45 S., R. 57 E., Copper River Meridian; Latitude 57.958° N., Longitude 136.224° W.; in Pelican, Alaska.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-3), dated September 11, 2006, is authorized by Nationwide Permit (NWP) No. 3, Maintenance. A copy of NWP No. 3 and its associated Regional and General Conditions has been provided for your convenience. Regional Conditions A-G and K-P apply to your project. You must comply with all terms and conditions associated with NWP No. 3.

Please also find enclosed a copy of the Office of History and Archeology letter, dated September 28, 2006; and an email from the Alaska Department of Environmental Conservation, dated September 25, 2006; regarding the proposal.

Further, please note General Condition 14 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosure 1 is the form for you to complete and return to us.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

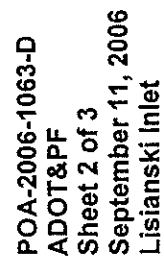
You may contact me at (907) 753-2712, toll free from within Alaska at (800) 478-2712, by email at serena.e.sweet@poa02.usace.army.mil or by mail at the address above, ATTN: CEPOA-CO-R-E, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

A handwritten signature in black ink, appearing to read 'Serena Sweet', with a stylized flourish at the end.

Serena Sweet
Regulatory Specialist

Enclosures



Smka D-7

Site

Seaplane Base

Pelican

Goose Lake

Slag

Lake Elfyndahl

POA-2006-1063-D
ADOT&PF
Sheet 1 of 3
September 11, 2006
Lisianski Inlet

Pelican Boardwalk



POA-2006-1063-D
ADOT&PF
Sheet 3 of 3
September 11, 2006
Lisianski Inlet

Sweet, Serena E POA

From: Ashton, William [William_Ashton@dec.state.ak.us]
Sent: Monday, September 25, 2006 11:40 AM
To: Sweet, Serena E POA
Subject: PCN for POA-2006-1603-D Lisianski Inlet ADOT&PF

Hi,

DEC has no water quality concerns for this project, provided they follow NWP 3, specifically Regional Condition B.

William Ashton
Stormwater and Wetlands
Nonpoint Source Program
Division of Water
Alaska Dept. of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501
Phone: 907-269-7564
Fax: 907-334-2415

9/25/2006

NATIONWIDE PERMIT NUMBER 3

Department of the Army Nationwide Permit (NWP) number 3 was issued pursuant to the January 15, 2002, Federal Register: Issuance of Nationwide Permits; Notice (67 FR 2020-2095) and the February 13, 2002, Federal Register: Issuance of Nationwide Permits; Notice; Correction (67 FR 6692-2295), which authorizes:

3. Maintenance. Activities related to:

(i) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire, or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the District Engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(ii) Discharges of dredged or fill material, including excavation, into all waters of the U.S. to remove accumulated sediments and debris in the vicinity of, and within, existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure, provided the permittee notifies the District Engineer in accordance with General Condition 13. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. All excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the District Engineer under separate authorization. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the District Engineer.

(iii) Discharges of dredged or fill material, including excavation, into all waters of the U.S. for activities associated with the restoration of upland areas damaged by a storm, flood, or other discrete event, including the construction, placement, or installation of upland protection structures and minor dredging to remove obstructions in a water of the U.S. (Uplands lost as a result of a storm, flood, or other discrete event can be replaced without a Section 404 permit provided the uplands are restored to their original pre-event location. This NWP is for the activities in waters of the U.S. associated with the replacement of the uplands.) The permittee must notify the District Engineer, in accordance with General Condition 13, within 12 months of the date of the damage and the work must commence, or be under contract to commence, within two years of the date of the damage. The permittee should provide evidence, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. The restoration of the damaged areas cannot exceed the contours, or ordinary high water mark, that existed before the damage. The District Engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this permit. Minor dredging to remove obstructions from the adjacent waterbody is limited to 50 cubic yards below the plane of the ordinary high water mark, and is limited to the amount necessary to restore the pre-existing bottom contours of the waterbody. The dredging may not be done primarily to obtain fill for any restoration activities. The discharge of dredged or fill material and all related work needed to restore the upland must be part of a single and complete project. This permit cannot be used in conjunction with NWP 18 or NWP 19 to restore damaged upland areas. This permit cannot be used to reclaim historic lands lost, over an extended period, to normal erosion processes.

This permit does not authorize maintenance dredging for the primary purpose of navigation and beach restoration. This permit does not authorize new stream channelization or stream relocation projects. Any work authorized by this permit must not cause more than minimal degradation of water quality, more than

minimal changes to the flow characteristics of the stream, or increase flooding (See General Conditions 9 and 21). (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Section 404(f) exemption for maintenance.

REGIONAL CONDITION A

The following geographic areas and waters of the U.S. are excluded from coverage by the indicated NWPs. However, these NWPs may be used in these areas when informal (e.g., telephone) coordination with Federal and State agencies (i.e., EPA, FWS, NMFS, ADEC, ADFG, ADGC, and ADNRR) and the affected coastal district(s) confirms that there is no opposition to use of the NWP(s) for the proposed project. If no such consensus can be reached or if the Corps is unable to contact all of the above-referenced agencies, then the NWP cannot be used.

1. The Municipality of Anchorage (NWPs 3¹, 6, 12², 14, 18, 19, 23, 27, 29, 31, 33, 39, 40, 41, 42, 43, and 44).
2. Areas within and designated as "high value" wetlands in the Homer Wetlands Study Report: Final version [February 1989] (NWPs 3¹, 12², 14, 18, 19, 23, 27, 29, 31, 39, 41, 42, 43, and 44).
3. Areas designated as "A" or "B" wetlands in the Juneau Wetlands Management Plan. (NWPs 3¹, 12², 14, 18, 19, 23, 27, 29, 31, 39, 40, 41, 42, 43, and 44).
4. Areas under Corps of Engineers jurisdiction that lie within the plan boundaries of the Kenai River Comprehensive Management Plan [KRCMP] (NWPs 3¹, 12², 14, 18, 19, 23, 27, 29, 31, 39, 40, 41, 42, 43, and 44).
5. The Matanuska-Susitna Borough (NWP 12²).
6. Areas in the Northwest Arctic Borough designated as one of the following: Designated Important Resource Areas and Sensitive Use Areas in the district Coastal Management Program. (NWPs 3¹, 12², 13, 14, 18, 19, 23, 27, 29, 31, 39, 40, 41, 42, 43, and 44).
7. Designated Areas Meriting Special Attention (AMSA) identified in Coastal Zone Management Plans (NWPs 3¹, 12², 14, 18, 19, 23, 27, 29, 31, 39, 40, 41, 42, 43, and 44).
8. Waters documented as supporting anadromous fish, and other jurisdictional areas within 100 feet (measured from Ordinary High Water) of such waters (NWPs 3¹, 12², 13, 14, 18, 19, 27, 29, 31, 39, 40, 41, 42, 43, and 44). Note: For projects under NWP 12 and 14, this exclusion does not apply to perpendicular crossings.
9. Areas, which support eelgrass beds (6, 12, 14, 15, 18, 19, 23, and 35).
10. Waters that are listed on Alaska's current Clean Water Act Section 303(d) List of Impaired Water bodies and other jurisdictional areas within 100 feet (measured from Ordinary High Water) of such waters (12, 13, 14, 18, 19, 29, 39). List of impaired water bodies located at <http://www.state.ak.us/local/akpages/ENV.CONSERV/dwaq/tmdl/98onepage.htm>

¹For NWP 3, the exclusions apply only to two activities: a) scheduled maintenance of pipelines where the total area of waters of the U.S. disturbed by the work exceeds 1,000 square feet; and, b) discharges associated with the restoration of upland areas damaged by floods or similar events.

²For NWP 12, Utility installations which fit the following terms and conditions may be allowed in the excluded areas when:

A. Activities which do not require a pre-construction notification (PCN):

1. Directional boring within 25 feet of the outer edge of the road prism and more than 100 feet from anadromous fish streams (measured from Ordinary High Water) with vaults/junction boxes allowed at 1,000-foot intervals, which are no more than 8' x 8' x 4', bedded in crushed rock (no more than 70 cubic yards) with a permanent alteration of the wetlands in an area of no more than 20' by 20' and a total vault disturbance area of approximately 40 to 50 feet in diameter, or
 - a. pads, no more than 10' x 10' x 5', using approximately 20 cubic yards of imported fill, at no less than 1,000-foot intervals when boring. These pads shall be removed immediately

- upon completion of boring unless the applicant can successfully demonstrate that more damage to wetlands would occur from removal.
- b. vaults, 5' x 5' or less, for residential subdivisions at no less than 150-foot intervals.
 2. Trenching using no imported fill within 25 feet of the outer edge of the constructed road prism and more than 100 feet from anadromous fish streams (measured from Ordinary High Water), with trenches no more than 2 feet wide and 5 feet deep, using a bucket no more than 2 feet wide. Under non-frozen conditions fabric shall be used beneath all sidecast materials to minimize disturbance of vegetation adjacent to trenches.
 - a. Vaults for electrical utilities of no more than 8' x 8' x 3' with up to 20 cubic yards of clean fill for bedding at 200-foot or greater intervals or larger vaults of no more than 11' x 9' x 9' at 1,200-foot or greater intervals with no bedding.
 - b. Vaults, 5' x 5' or less, for residential subdivisions at no less than 150-foot intervals.
 3. Electrical or telephone poles with no more than 3 cubic yards of clean fill per hole as backfill within 25 feet of the outer edge of the constructed road prism and more than 100 feet from anadromous fish streams (measured from Ordinary High Water).
- B. Activities, which require a PCN (where all reviewing Federal and State agencies must concur, as described in the first note, or the project will be handled with an individual permit). The PCN will focus on a review of the alignment and placement of stockpiles and vaults for boring and directional drilling and trenches less than five feet in depth and will consider all project details for trenches deeper than 5 feet.
1. Directional boring extending beyond 25 feet from the outer edge of the constructed road prism or extending to within 100 feet (measured from Ordinary High Water) of anadromous fish streams with vaults/junction boxes or pads as described above (A1a and A1b).
 2. Horizontal directional drilling method of pipe. The pilot, entrance, and exit holes must be the minimum necessary, and where a stream crossing is involved, must be set back from the stream bank by at least 100 feet. Excavated materials and drilling muds must be stockpiled on non-wetland, where available. Under non-frozen conditions, fabric must be placed beneath all materials stockpiled in wetlands. Information submitted for the PCN shall include a description of the access route, as well as extent of disturbance and stockpiling around the entrance and exit holes.
 3. Trenching between 5 and 10 feet deep using no imported fill with vaults or pads, as described above (A2).
 4. Trenching less than 5 feet deep and 2 feet wide with vaults or pads, as described above (A2), but beyond 25 feet of the outer edge of the constructed road prism or within 100 feet of anadromous fish streams (measured from Ordinary High Water).

FOR ALL OF THE ABOVE:

Upon completion of a project, stockpiled native materials must be replaced so as to achieve the original surface condition within a year of disturbance; except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess native materials and all non-native materials must be removed to a nonwetland location. If, after a year, the access route and work sites still appear to be more than minimally disturbed, then restoration to original contour and revegetation of these sites must be done after consultation with the Alaska District about species and planting methods. Note that this requirement applies even when there is no PCN.

Imported material may never be used for trenches for the above exceptions, only for vaults and pads specified above. For work occurring when the ground is thawed, equipment must either have a ground bearing weight of 5 pounds per square inch or less or must work off of mats or foundation pads to reduce the impacts of access to the work site.

For work occurring when the ground is frozen, there must be 18 inches of frost in the ground and a minimum of 6 inches of compacted snow cover, or 12 inches of frost in the ground and 12 inches of compacted snow cover, standard equipment may be used; however, mats or foundation pads must be readily available in the event that the driving surface fails.

REGIONAL CONDITION B

In fresh or marine waters, no pentachlorophenol preservatives may be used on wooden structures. In fresh waters, no creosote may be used on wooden structures. In fresh and marine waters, any preservative on wooden structures must be applied by pressure injection using a method that prevents leaching (such as those approved by the Western Wood Preserves Institute).

This Regional Condition applies to all NWP's which include wooden structures.

REGIONAL CONDITION C

Prospective permittees must notify the District Engineer in accordance with the "notification" requirements described in General Condition 13 for the following NWP's:

1. All activities authorized by NWP's 6*, 7, 17, 19, 21, 23, 27, 29, 31, 32, 33, 35, 36, 37, 38, and 44; and,
2. Projects which exceed the thresholds or are of the type specified in the NWP language, 3, 5, 12, 13**, 14, 18, 39, 40, 41, 42, and 43.

In addition to the Federal agencies and State Historic Preservation Office, the Corps District Office shall send this PCN to Alaska Division of Governmental Coordination or, if the proposed project is located outside the coastal zone, to the appropriate state agencies, including the Departments of Environmental Conservation, Fish and Game, and Natural Resources.

*NWP 6 - no PCN required for simple borings.

**NWP 13 - A PCN is required for all projects (independent of thresholds) located in anadromous and resident fish streams.

Note: NWP's 1, 2, 4, 8, 9, 10, 11, 15, 16, 20, 22, 24, 25, 28, 30, and 34 do not require a PCN for any activity.

REGIONAL CONDITION D

Project limits of authorized sites shall be clearly identified in the field (e.g., staking, flagging, silt fencing, use of buoys, existing footprint for maintenance activities, etc.) prior to clearing and construction to ensure avoidance of impacts to waters of the U.S. (including wetlands) beyond project footprints.

This Regional Condition applies to all NWP's except 1, 9, 10, 11, 22, and 24. For NWP 4 this condition applies to all activities except harvesting devices (e.g., crab pots, etc.).

REGIONAL CONDITION E

A plan employing the techniques listed below shall be implemented to avoid or minimize disturbance to wetlands, stream banks, riparian areas, and beach fringes and/or to re-establish vegetation in such areas when disturbance cannot be avoided. Areas disturbed during project construction must be revegetated as soon as possible, preferably in the same growing season as the disturbance. Erosion protection shall be provided and remain in place until the soil is permanently stabilized. Any sedimentation of the above areas or adjacent water bodies caused by a project authorized by a NWP shall be considered a violation of the NWP.

Avoidance and minimization techniques may vary with site conditions and include, but are not limited to, the following:

- Planning construction access and scheduling work to avoid or minimize damage to wetland vegetation.

-Operating equipment in bog or emergent wetlands on frozen ground to minimize destruction of the natural vegetative mat.

-Using crane matting or suitable geotextile material to protect vegetation from damage by heavy equipment.

Revegetation techniques may vary with site conditions and include, but are not limited to the following:

-Seeding, planting, replacement of reserved ground cover, and/or fertilizing of re-contoured ground to promote re-establishment of natural plant communities. Species to be used for seeding and planting should follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state; and, 4) non-native species. Note: If native species are not available, only non-native species, which are known to not reproduce in the general project area, may be used for revegetation. The following species are known to be highly invasive and may not be used under any circumstances for revegetation under these NWP: Alopecurus arundinacea (meadow foxtail), A. pratensis (creeping foxtail), Lythrum salicaria (purple loosestrife), Melilotus alba (white sweet clover), M. officinalis (yellow sweet clover), Phalaris arundinacea (reed canary grass), Phleum pratense (timothy), and Polygonum cuspidatum (known by the common names: Japanese knotweed, crimson beauty, Mexican bamboo, and Japanese fleece flower) Lysimachia terrestris (swamp loosestrife/yellow loosestrife) Phragmites australis (common reed).

-In peat wetlands, systematically removing the natural vegetative mat (with root masses intact) prior to construction, storing it in a manner to retain viability (usually frozen or hydrated), then replacing it after re-contouring the ground following construction, with final contours within one foot of adjacent undisturbed soil surfaces after one growing season and one freeze/thaw cycle. For minor utility projects where no imported bedding or backfill material is used (e.g., "plowed in" cables or small utility lines installed with ditch-witches), simple restoration to pre-work contours and appropriate revegetation (see above) shall suffice.

Restoration and revegetation of streambank and shoreline habitat should utilize the most up-to-date bioengineering techniques and use of biodegradable materials when feasible and practicable (i.e., Streambank Revegetation and Protection: A Guide for Alaska (Muhlberg and Moore 1998)). Techniques may include, but are not limited to, brush layering, brush matting, live siltation, and use of jute matting and coir logs to stabilize soil and re-establish native vegetation.

This Regional Condition applies to NWPs 3, 5, 6, 7, 12, 13, 14, 15, 17, 18, 19, 23, 27, 33, 35, 39, 40, 41, 42, 43, and 44. The referenced plan needs to be submitted to the Corps of Engineers only for those NWPs requiring a PCN (i.e., NWPs 6, 7, 17, 19, 23, 27, 33, 35, and 44 for all activities, and NWPs 3, 5, 12, 13, 14, 18, 39, 40, 41, 42, and 43 for those projects which exceed the thresholds or are of the type specified in the NWP language). For NWP 13, a PCN and plan are required for all projects (independent of thresholds) located in anadromous and resident fish streams.

REGIONAL CONDITION F

For those projects, which require a vegetated buffer for maintenance of water quality (pursuant to NWP General Conditions 9 and 19), the minimum width for buffers from fish-bearing waters shall be 100 feet, as measured from the ordinary high water mark of the water body. Fish-bearing waters include habitat for both anadromous and resident fish, and shall be identified by reference to the latest or the most recent *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*, or other documentation provided to the Alaska District during the PCN.

This Regional Condition applies to NWPs 3, 7, 12, 14, 27, 29, 39, 40, 41, 42, 43, and 44.

Note: For projects under NWPs 7, 12, and 14 this does not prohibit perpendicular crossings.

REGIONAL CONDITION G

Activities that include the construction and maintenance of intake structures must include adequate fish screening devices to prevent the entrainment or capture of fish.

This Regional Condition applies to all NWPs that include fish screening devices, specifically NWPs 3 and 7.

REGIONAL CONDITION K

Stream channelization activities and the construction of dams to impound waters of the U.S. are excluded from coverage.

This Regional Condition applies to NWPs 3, 7, 12, 14, 17, 27, 40, and 44. However, these NWPs may be used when informal (e.g., telephone) coordination with Federal and State agencies (i.e., EPA, USFWS, NMFS, ADEC, ADFG, ADGC, and ADNR) and the affected coastal district(s) confirms that there is no opposition to use of the NWP(s) for the proposed project. If no such consensus can be reached or if the Corps is unable to contact all of the above-referenced agencies, then the NWP cannot be used.

REGIONAL CONDITION L

All persons proposing activities on State lands or in State waters must present proof of application to the manager of the land where the proposed project is located. This objective may be met by submitting a fully completed Alaska Coastal Project Questionnaire for the proposed activity.

This Regional Condition applies to all NWPs with a PCN requirement.

REGIONAL CONDITION M

All persons proposing activities, which require Fish Habitat permits, in fish-bearing waters must present proof of application for a Fish Habitat Permit from the ADF/G. Fish-bearing waters include habitat for both anadromous and resident fish and shall be identified by reference to the latest or the most recent *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*, or other documentation provided to the Alaska District during the PCN.

This Regional Condition applies to NWPs with a PCN requirement.

REGIONAL CONDITION N

NWP activities must assure that suspended sediment and turbidity do not affect waters beyond the immediate work area. Silt fences, silt curtains, or other diversion or containment structures shall be installed* to contain sediment and turbidity at the work site (a) parallel to and within 10 feet of the toe of any fill, or soil exposed within 25 feet of a standing or flowing waterbody, if the fill site has a downslope or surface connection to the waterbody; and, (b) adjacent to any fill placed or soil exposed within a standing or flowing waterbody. All silt fences, curtains, and other structures must be installed properly and maintained in a functioning manner for the life of the construction period where fill material and exposed soils might cause transport of sediment or turbidity beyond the immediate construction site.

*If the Alaska District Corps determines that a sediment or turbidity control measure is not necessary, or must deviate from the above specifications, then the Corps shall describe the changes in the preconstruction notification.

This Regional Condition applies to NWPs, which may impact water quality due to sedimentation and/or runoff.

REGIONAL CONDITION O

Mitigation required by special condition must be completed before or concurrent with project construction, if practicable. Where project mitigation involves the use of a mitigation bank or fee-in-lieu, payment must

be made to the bank or fee-in-lieu program before commencing construction of the permitted activity, if practicable. (Fee amount will be determined at time of payment).

This Regional Condition applies to all NWP's.

REGIONAL CONDITION P

Maintenance activities in any fish-bearing waters (as described in Regional Conditions F and M) must be designed and implemented in a manner that will, at a minimum, maintain fish habitat to the maximum extent practicable. The following activities are not authorized by NWP 3 in Alaska, unless the applicant presents proof of application for a Fish Habitat permit to the Corps with their application packet: obstruction removal, removal of stream bed material, placement of riprap, gabion baskets, and/or discharges associated with the repair of upland areas damaged by discrete events, when the discharges will result in unstable stream habitats and erosion elsewhere along the river.

This Regional Condition applies to NWP 3.

NATIONWIDE PERMIT GENERAL CONDITIONS

- 1. Navigation.** No activity may cause more than a minimal adverse effect on navigation.
- 2. Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- 3. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow,
- 4. Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
- 5. Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
- 6. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification and Coastal Zone Management Act consistency determination.
- 7. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
- 8. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- 9. Water Quality.** (a) In certain states and tribal lands, an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).
(b) For NWP's 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWP's). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the USFWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/r9endspp/endspp.html> and <http://www.nfms.noaa.gov/1protresloviewwles.html> respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification. This general condition requires the applicant to provide notification (except for NWPs # 1, 2, 4, 8-11, 15, 16, 20, 22, 24, 25, 28, 30, and 34) to the District Engineer, including project-specific information, before Department of the Army authorization can be granted. The District Engineer reviews that information and solicits input from federal, state, and local resource agencies before making a permit decision. Once authorization has been granted, there are no further requirements of this general condition; therefore, the text of this condition has been removed. A copy of the full text will be provided upon request (visit our web site at: www.poa.usace.army.mil/reg).

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and, (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g., if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the U.S. for the total project cannot exceed 1/3-acre).

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the U.S. to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, ¼-acre of wetlands cannot be created to change a ¾-acre loss of wetlands to a ½-acre loss associated with NWP 39 verification. However, ½-acre of created wetlands can be used to reduce the impacts of a ½-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineer may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is

best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the U.S.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements, or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the U.S., or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or

directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the U.S. may be authorized by the above NWP's in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the U.S. within the mapped 100-year floodplain, below headwaters (i.e., five cubic feet per second), resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, 43, and 44.

(b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the U.S. within the FEMA or locally-mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12 months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

ADVISORY INFORMATION FOR ALL NATIONWIDE PERMIT ACTIVITIES

A Department of Fish and Game Permit is required for:

- ❖ Work in designated anadromous fish streams or other fish-bearing waters.
- ❖ Placement of cross-channel structures, drainage structures, or diversions in streams that contain either anadromous or resident fish.
- ❖ Work in legislatively designated state game refuges, sanctuaries, or critical habitat areas.

A Department of Natural Resources Permit is required for:

- ❖ Any activity that is located on state land, state tide or submerged land, or shoreland.

A Kenai Peninsula Borough Permit is required for:

- ❖ Projects occurring within the 50-foot Habitat Protection Area established by Kenai Peninsula Borough Code, Section 21.18.040. No building, construction, filling, excavation, major clearing of vegetation, commercial recreation uses, or activity which results in significant erosion or damage to riparian habitat, or results or increases ground or water pollution can be conducted except when specifically allowed under KPB 21.18.070. Information and permit applications are available from the Kenai River Center at (907) 260-4882.

Department of Environmental Conservation Advisory:

- ❖ All activities authorized by NWP's must meet the Alaska Water Quality Standards (18 AAC 70). These standards establish strict limits on the amount of sediment and turbidity that may be introduced into fresh and marine waters, including wetlands. In concert with NWP General Condition #3, which requires appropriate soil erosion and sedimentation controls to be used and maintained in effective operating condition during construction, and requires all exposed soil and other fills to be permanently stabilized at the earliest practicable date, the policy of the Alaska Department of Environmental Conservation is as follows:

Silt and sediment from excavation and fill activities may not enter wetlands or waterbodies outside the project footprint. Where practicable, fill material must be free from fine material that is subject to erosion and suspension. Site preparation, excavation, fill placement, and construction activities must be conducted to prevent, minimize, and contain the erosion and suspension of fine material that could be carried off-site by surface runoff. If suspended material is evident in standing or flowing water outside the project footprint, appropriate control and containment measures must be applied. These measures may include slope stabilization, revegetation, filter fabric fences, straw bales, other effective filters or barriers, fiber matting, settling ponds, drainage control, trenches and water bars, waterproof covers over material piles and exposed soils, avoiding work during heavy precipitation, and other appropriate measures. Disturbed ground and exposed soil not covered with fill, structures, or appurtenances must be stabilized and revegetated in an appropriate and timely manner to minimize erosion and sedimentation, so that a durable vegetative cover is established and maintained.

Matanuska-Susitna Coastal District Advisory:

- ❖ Within the 75-foot shoreline setback, all areas not occupied by allowed development must minimize disturbance of natural vegetation.

Federal Emergency Management Act (FEMA) Advisory:

- ❖ Many areas of the state are covered by FEMA-approved floodplain regulations, local land-use plans and regulations, and other ordinances and regulations related to development. These restrictions must be adhered to in the development of a residence on a fill permitted by a NWP.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

GENERAL PERMIT AGENCY COORDINATION

IN RESPONSE TO OUR RECEIPT OF THE ENCLOSED PRE-CONSTRUCTION NOTIFICATION FOR THE PROPOSED ACTIVITY, YOU ARE HEREBY NOTIFIED OF THE PROPOSED PROJECT. IF ADDITIONAL TIME IS NEEDED TO PROVIDE SUBSTANTIVE, SITE-SPECIFIC COMMENTS, CONTACT US AND WE WILL WAIT AN ADDITIONAL 15 CALENDAR DAYS BEFORE MAKING A PERMIT DECISION. FURTHER INFORMATION CONCERNING THE GENERAL PERMIT CAN BE FOUND AT OUR WEB SITE: [HTTP://WWW.POA.USACE.ARMY.MIL/REG](http://www.poa.usace.army.mil/reg).

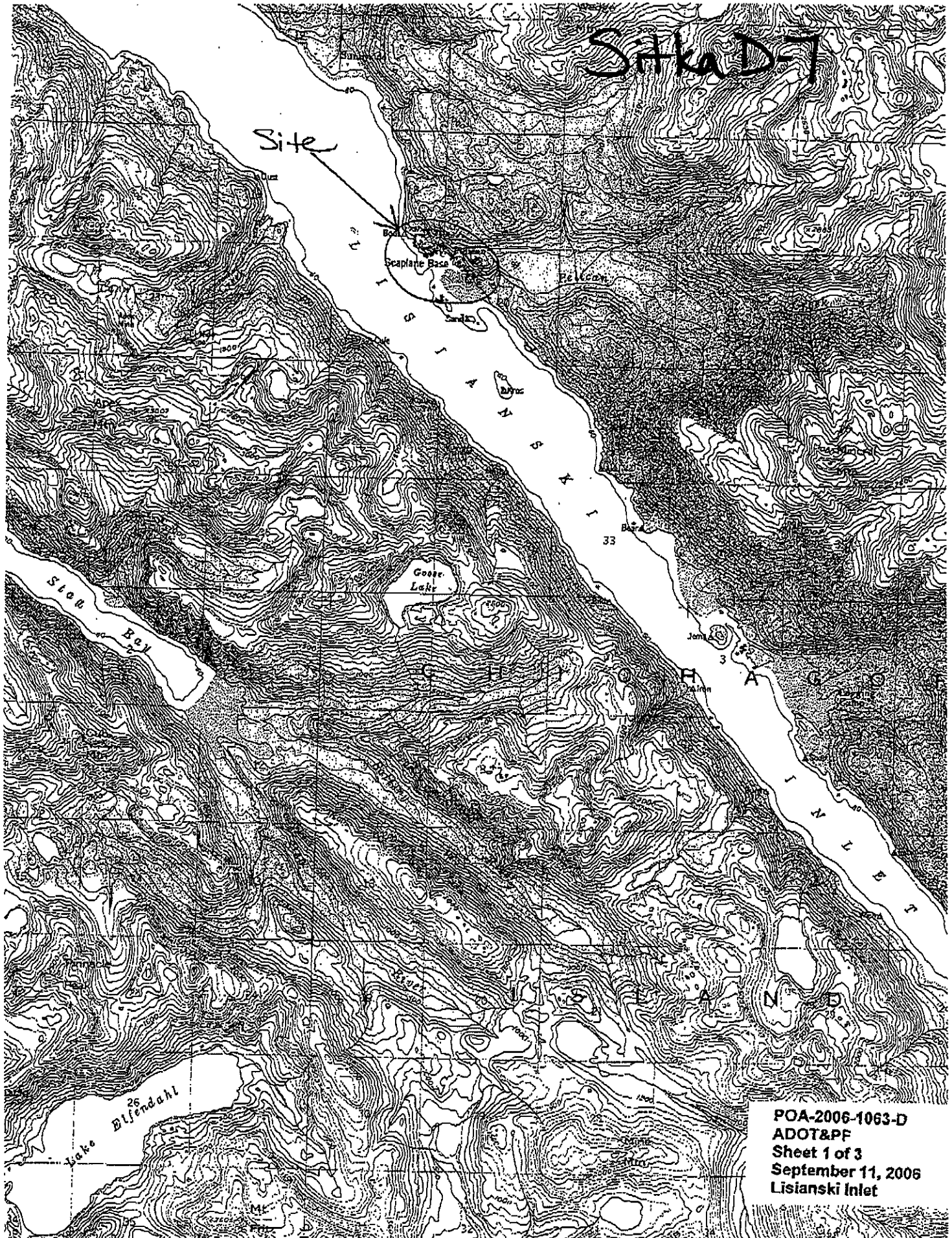
WE ARE REQUESTING THE U.S. FISH AND WILDLIFE SERVICE AND THE NATIONAL MARINE FISHERIES SERVICE TO REVIEW AND COMMENT CONCERNING ANY LIKELY AFFECT TO ANY THREATENED OR ENDANGERED SPECIES OR THEIR CRITICAL HABITAT.

COMMENTS ON THE PROPOSAL MAY BE MAILED TO U.S. ARMY CORP OF ENGINEERS, ATTN: CO-R-E, P.O. BOX 6898, ELMENDORF AFB, ALASKA 99506-0898, OR EMAILED TO SERENA.E.SWEET@POA02.USACE.ARMY.MIL.

- **CORPS OF ENGINEERS IDENTIFICATION:** POA-2006-1603-D, Lisianski Inlet, Alaska Department of Transportation
- **GENERAL PERMIT:** Nationwide Permit (NWP) No. 3, Maintenance
- **COMMENT PERIOD CLOSING DATE:** October 2, 2006
- **PROJECT LOCATION:** The proposed project is located within Section 20, T. 45 S., R. 57 E., Copper River Meridian; Latitude 57.958° N., Longitude 136.224° W.; in Pelican, Alaska.
- **PROJECT DESCRIPTION:** Rehabilitate the existing Pelican Boardwalk by replacing 17 piles, 17 pairs of cross braces, 14 pile caps and pipe supports, and 7 sets of stringers. The new piles would be placed on concrete footings because pile driving is not possible under the existing boardwalk.
- **ENCLOSURES:** Sheets 1-3, dated September 11, 2006

DISTRIBUTION LIST:

<input checked="" type="checkbox"/> ADEC Alaska Dept. of Environmental Conservation	FAX #465-5274
<input checked="" type="checkbox"/> ADNDR—DMLW Div. of Mining, Land, and Water	FAX #586-2954
<input checked="" type="checkbox"/> ADNDR—OHMP Office of Habitat Management & Permitting	<input type="checkbox"/> Craig: FAX #826-2562
	<input type="checkbox"/> Petersburg: FAX #772-9336
	<input checked="" type="checkbox"/> Juneau: FAX #465-4272
<input checked="" type="checkbox"/> ADNDR—OPMP AK Coastal Management Program	FAX #465-3075
<input checked="" type="checkbox"/> ADNDR—SHPO State Historic Preservation Officer	FAX #269-8908
<input checked="" type="checkbox"/> EPA Environmental Protection Agency	FAX #586-7015
<input type="checkbox"/> FAA Federal Aviation Admin (NWP 7 only)	FAX #271-2851
<input type="checkbox"/> Ketchikan Coastal District (Ketchikan Gateway Borough)	FAX #247-8439
<input checked="" type="checkbox"/> NMFS National Marine Fisheries Service	FAX #586-7358
<input checked="" type="checkbox"/> USFWS U.S. Fish and Wildlife Service	FAX #586-7154
<input checked="" type="checkbox"/> Applicant: Mark Anderson, ADOT&PF	FAX #465-3506



POA-2006-1063-D
ADOT&PF
Sheet 1 of 3
September 11, 2006
Lisianski Inlet

Pelican Boardwalk



POA-2006-1063-D
ADOT&PF
Sheet 3 of 3
September 11, 2006
Lisianski Inlet

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction - Preliminary Design & Environmental*

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
P.O. Box 112506
JUNEAU, ALASKA 99811-2506
PHONE: (907) 465-4524
TEXT: (907) 465-4647
FAX: (907) 465-3506

September 29, 2006

Re: Pelican Boardwalk Repair EFH
Assessment

Project Numbers 69216

Robert D. Mecum
Acting Administrator, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

Dear Mr. Mecum:

On behalf of the Federal Highway Administration (FHWA), the Alaska Department of Transportation & Public Facilities (DOT&PF) has determined that the Pelican Boardwalk Repair project may adversely affect Essential Fish Habitat (EFH). Enclosed is the EFH assessment for your consideration. The habitat assessment will be appended to the project environmental document. The EFH determination by ADOT&PF is that the projects, including mitigation measures, would have no substantial individual or cumulative impacts to EFH.

If you have any questions, please contact me at 465-4524 or at mark_anderson@dot.state.ak.us.

Sincerely,



Mark Anderson
Environmental Impact Analyst

Enclosures:
EFH Assessment
Plan Drawing

cc: John Lohrey, Field Operations Engineer, FHWA, Juneau
Jim Evensen, PD&E Group Chief, DOT&PF
Van Sundberg, Environmental Coordinator, DOT&PF

Essential Fish Habitat Assessment

Pelican Boardwalk Repairs

Project 69216

I. Project Description

With funding assistance from the Federal Highway Administration (FHWA), the Alaska Department of Transportation & Public Facilities (DOT&PF) proposes to repair the wooden boardwalk in Pelican, Alaska.

The project would replace 17 pilings, 17 pairs of cross braces, 14 pile caps and pipe supports and at least 7 sets of stringers. All of these existing members are pressure creosote treated wood and would be replaced in-kind. The pilings would require concrete footings, since pile driving would not be feasible under the existing boardwalk.

The Pelican boardwalk is located in Lisianski Inlet on Chichagof Island, Township 45 S, Range 57 E, Section 19, Copper River Meridian, approximate Lat. 57.96083* N, Long. -136.2275* W.

II. Analysis of Effect to Essential Fish Habitat

Placing footings for 17 pilings would impact about 180 square feet of tidal Waters of the U.S. The footings would be excavated by hand or with a small backhoe to a two foot depth and a standard square concrete footing poured with a galvanized bolted pile fitting. Excavated material would be mounded back around the pile base over the concrete footing. All excavation and fill work would be done on dewatered tidelands during lower tide stages. The rest of the repairs would be within the structure itself and would not involve work in tidal waters.

Lisianski Inlet is designated Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act and provides habitat for nearshore EFH species, herring, and migrating adult and juvenile salmon. All five species of Pacific salmon are likely to occupy the project site at various times of the year for feeding and migration. The most significant uses of the project site by EFH species are during the spring herring spawn and juvenile salmonid outmigration. Use of the site as a migration corridor, spawning and rearing area would continue after construction is complete.

Construction-phase impacts of pile installation on EFH could include direct mortality from excavation and fill, a short-term reduction in productivity in the surrounding area caused by turbidity from suspended sediment in the water column, and disturbance or displacement of fishes caused by construction activities. The effect to the environment would be minor. The new

pilings would provide cover and substrate for intertidal organisms after they are installed. No anadromous fish streams, as identified in *An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes*, are within the project area.

III. Proposed Conservation Measures

The following conservation measures would be included in the project:

- Construction of the pile footings would occur in accordance with timing recommendations from NOAA Fisheries to minimize impacts to marine or anadromous fish species. We propose that no work be done on piling footings from April 1 to June 15 to protect outmigrating salmon smolts and rearing juvenile salmon and reduce the potential impact to herring spawning.
- The project contract specifications would include special conditions for implementation and maintenance of Best Management Practices (BMPs) during construction to minimize project impacts to water quality. This includes development of a Hazardous Materials Control Plan by the contractor to prevent spills of hazardous materials (including petroleum products) and to detail cleanup methods, materials and equipment on hand during construction.

IV. Agency Determination

Based on the scope and nature of impacts expected from the project and the mitigation measures identified above, DOT&PF on behalf of the FHWA has determined that there would be no substantial adverse individual or cumulative effects to EFH in the project area.

OCT 20 2006



PRELIMINARY DESIGN & ENVIRONMENTAL

**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

October 18, 2006

Mark Anderson
Environmental Impact Analyst
State of Alaska
Dept. of Transportation and Public Facilities
6860 Glacier Hwy
P.O. Box 112506
Juneau, Alaska 99811-2506

Re: Pelican Boardwalk Repair EFH
Assessment

Dear Mr. Anderson:

The National Marine Fisheries Service (NMFS) has reviewed the Department of Transportation and Public Facilities (DOT&PF) Essential Fish Habitat (EFH) assessment for the Pelican Boardwalk Repair Project. The project would replace 17 pilings, 17 pairs of cross braces, 14 pile caps and pipe supports, and at least seven sets of stringers. Replacement members would be pressure-treated creosote wood; the replacement pilings will require the construction of concrete footings in intertidal habitat.

The DOT&PF assessment indicates that the project area provides habitat for five species of Pacific salmon. The project area also contains spawning habitat for Pacific herring. DOT&PF has proposed two Conservation Measures to minimize the impact of this project on Essential Fish Habitat (EFH) for federally managed species: 1) a no-work window for the construction of piling footings from 1 April to 15 June to protect outmigrating and rearing juvenile salmon and to reduce the potential impact to herring spawning, and 2) implementation and maintenance of Best Management Practices (BMPs) during construction to minimize project impacts to water quality.

NMFS supports the use of no-work timing windows and BMPs to minimize impacts on EFH and water quality during construction. However, NMFS does not concur with DOT&PF's finding that the project will not adversely affect EFH because of the project's proposed in-water use of creosote treated pilings. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen, sulfur, or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development of fish.

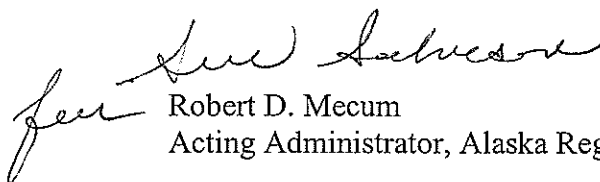


NMFS provides the following EFH conservation recommendations to avoid adverse impacts to EFH:

1. Avoid the use of creosote-treated wood where it will come into direct contact with seawater.
2. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with less chronically toxic waterborne preservatives. These include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Use wood treated with waterborne preservatives in accordance with BMPs developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material remain on the wood.

If you have any questions regarding our comments and Conservation Recommendations for this project, please contact John Hudson (907-586-7639).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Mecum", is written over a horizontal line.

Robert D. Mecum
Acting Administrator, Alaska Region

cc: *Richard Enriquez, USFWS
*Jackie Timothy, ADNR
*Tom Schumacher, ADFG
*Chris Meade, EPA

*e-mail

Reference:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife.
<http://wdfw.wa.gov/hab/ahg/overwatr.htm>

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction - Preliminary Design & Environmental*

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
P.O. Box 112506
JUNEAU, ALASKA 99811-2506
PHONE: (907) 465-4524
TEXT: (907) 465-4647
FAX: (907) 465-3506

November 10, 2006

Re: Pelican Boardwalk Repair EFH
Assessment

Project Numbers 69216

Robert D. Mecum
Acting Administrator, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

Dear Mr. Mecum:

Thank you for your conservation recommendations on the Pelican Boardwalk Repair Project #69216 Essential Fish Habitat (EFH) Assessment. We appreciate your support on (1) the no-work window for construction of pile footings from April 1 to June 15 and (2) implementation and maintenance of Best Management Practices during construction. However we disagree with the basis for your objection to the use of creosote pilings for the purpose of this project and your finding that replacement of a few existing creosote pilings would constitute an adverse effect to EFH.

We do not think that there would be a significant lessening of toxicity by using the various Cupric preservatives you mention, since all of these chemicals have been developed to be toxic to marine life. Copper is the treatment most toxic to aquatic organisms (Dickey, 2003). The PAH components in creosote (coal tar) also biodegrade more rapidly than other preservative chemicals. Significant biological effects were confined to a distance of 0.65 meters from the perimeter of the dolphin structure (Brooks, 1999). Since in this case piles would be bolted to a footing and not driven into the substrate, effects are expected to be less than a typical dolphin structure. DOT&PF will use BMPs from the Western Wood Preservers Institute in treatment and replacement of the timbers in the boardwalk structure.

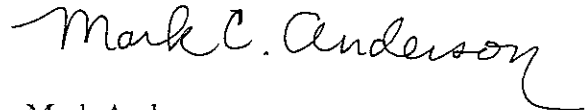
The U.S. Army Corps of Engineers has issued authorization under NWP- 3, Maintenance, for repairs to the Pelican Boardwalk. The City of Pelican and the State Historic Preservation Officer (SHPO) have objected to using other types of structures to replace the wood pilings and members because of the historic nature of the Pelican Boardwalk. I have attached a letter from the SHPO stating that the Pelican Boardwalk (SIT-711) is potentially eligible for the National Register of Historic Places and should be considered an historic property. SHPO states that, "Provided that the old materials are replaced **with in kind materials**, we concur that no historic properties would be adversely affected."

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As you are aware, DOT&PF has moved away from using treated wood pilings in favor of galvanized steel piles in new construction at our various harbors, seaplane and ferry facilities. However, we maintain that repair of existing historic structures such as the Pelican Boardwalk with like materials does not constitute an adverse effect to EFH species.

If you have any questions, please contact me at 465-4524 or at mark_anderson@dot.state.ak.us.

Sincerely,



Mark Anderson
Environmental Impact Analyst

Enclosure:
SHPO concurrence letter

cc: Judith Bittner, DNR SHPO
Carl Schrader, Habitat Biologist, DNR OHMP
Jackie Timothy, Habitat Biologist, DNR OHMP
Tom Schumacher, ADF&G
Glen Justis, U.S. Army Corps of Engineers
Chris Meade, Region 10 EPA
John Lohrey, Field Operations Engineer, FHWA, Juneau
Jim Evensen, PD&E Group Chief, DOT&PF
Ben White, Environmental Coordinator, DOT&PF

References:

Dickey, P., 2003, Washington Toxics Coalition, *Guidelines for Selecting Wood Preservatives*, San Francisco Department of the Environment, San Francisco, CA

Goyette, D. and Brooks, K., 1999, *Sooke Basin Creosote Evaluation Study*, Environment Canada, Pacific & Yukon Region, North Vancouver, BC.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

FRANK H. MURKOWSKI, GOVERNOR

550 W 7th Ave, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

September 28, 2006

File No.: 3130-1R COE

SUBJECT: Pelican, Lisianski Inlet, Alaska Dept. of Transportation, Boardwalk Rehabilitation
(POA-2006-1603-D)

Serena Sweet
Department of the Army
U.S. Army Engineer District, Alaska
Regulatory Branch
P.O. Box 6898
Elmendorf, AK 99506-6898


Dear Ms. Sweet:

We have reviewed the referenced project for conflicts with cultural resources under Section 106 of the National Historic Preservation Act. This project was received as General Permit Agency Coordination for a Pre-Construction Notification through Nationwide Permit No. 3, Maintenance, referencing a proposal by the Alaska Department of Transportation and Public Facilities to rehabilitate the Pelican Boardwalk. The Pelican Boardwalk (ADOT&PF Bridge No. 1268) was built originally in the late 1930s, was rebuilt in 1951 and reconstructed in 1958. It is listed on the Alaska Heritage Resource Survey as SIT-711. The Pelican Boardwalk has not yet been evaluated for eligibility to the National Register of Historic Places and should be considered potentially eligible as a historic property.

The project proposal is to replace 17 piles, 17 pairs of cross braces, 14 pile caps and pile supports, and 7 sets of stringers. The new piles would be placed on concrete footings because pile driving is not possible under the existing boardwalk. Provided that the old materials are replaced with in kind materials, we concur that no historic properties will be adversely affected. We also concur that no historic properties will be adversely affected by placing the new pilings on concrete footings, due to the impossibility of driving piles under the existing boardwalk.

Please contact John Breiby at 269-8717 if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:jcb

2006-10-10



MEMORANDUM

STATE OF ALASKA

Department of Natural Resources
Office of Habitat Management and Permitting

TO: Mark Anderson
Project Environmental Impact Analyst
Alaska Department of Transportation

DATE: October 3, 2006

FILE NO: Project #69216

THRU: Jackie Timothy

SUBJECT: Pelican Boardwalk Repairs

FROM: Carl Schrader
Habitat Biologist

TELEPHONE NO: (907) 465-4287

I reviewed your scoping document for the Alaska Department of Transportation and Public Facilities' (ADOT&PF) Pelican Boardwalk repairs. ADOT&PF proposes the repair because improvements are needed to ensure the safety of the traveling public.

ADOT&PF will replace 17 pilings and cross braces, 14 pile caps and pipe supports, and a minimum of seven sets of stringers. The wooden members of the structure will be pressure-treated creosote and the pilings will sit on concrete footings. Footings will be excavated and poured during low tide and excavated material backfilled over the footings.

Sensitive Resources

Pink and chum salmon spawn in Pelican Creek (Stream #113-95-10030) located at the south end of the boardwalk. Fry typically hatch mid-March through mid-May and move to saltwater within a few weeks. Pink salmon concentrate in brackish water along the shoreline through mid-June before moving to deeper water. Fry are particularly sensitive to pollution, and could be impacted by polluted runoff from excavating and pouring the concrete footings, and leaching from wood preservatives use in pilings and over-water structures.

Recommendations

1. Use of creosote-treated wood for pilings and over-water structures is well-documented as a source of toxicity to fish. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen, sulfur, or oxygenated heterocyclics. Leaching of these constituents continues throughout the life of the wood and has been associated with development of tumors, suppressed immune system, decreased fecundity and abnormal embryonic development. If treated wood must be used, it should be treated with preservatives approved for use in aquatic or marine environments. These include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniated Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). The wood should be treated in accordance with best management practices developed by the Western Wood Preservers Institute. If use of less toxic alternatives to creosote-treated wood is not practical, the use of creosote-treated wood needs to be justified based on engineering or cost considerations.

2. Excavation, pouring concrete footings, and piling installation should be prohibited March 15 through June 15 to minimize impacts to salmon fry from polluted runoff and leaching from creosote and newly-poured concrete. If creosote-treated wood is not used, a shorter timing window (March 15 through May 30) is recommended.

Thank you for the opportunity to comment.

Email Cc:

Al Ott, OHMP, Anchorage
Joe Donohue, OPMP, Juneau
Mark Fink, ADF&G, Anchorage
Garth Zimbelman, USACE, Juneau

Mark C Anderson

From: Carl Schrader [carl_schrader@dnr.state.ak.us]
Sent: Wednesday, November 22, 2006 10:11 AM
To: Mark Anderson
Subject: Pelican Boardwalk

Mark,

I read your response to NMFS regarding use of creosote-treated pilings. I'd like to discuss this with you.

You point out that substituting copper treatment for creosote is merely replacing one poison with another, and make a case for using creosote instead of following NMFS recommendation for copper treatment. You reference Washington Toxics Coalition guidelines (Dickie, 2003); and a study by Goyette and Brooks 1999. Could you get me copies of those references to review?

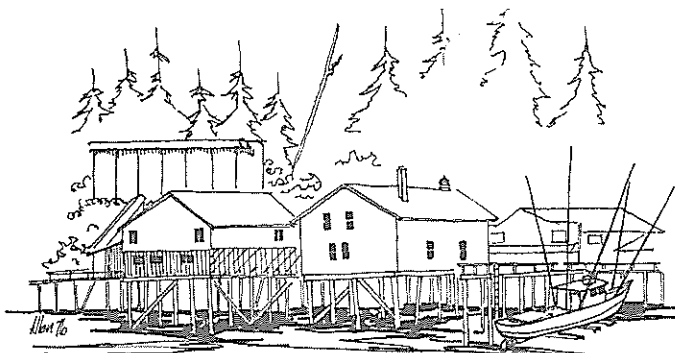
I'd also like you to clarify how placing the pilings on a footing as opposed to driving them into the substrate would make a difference in terms of leaching into the marine environment.

I appreciate your bringing this out for discussion. It's obvious that toxicity can be minimized by replacing creosote-treated materials with steel. However, I'd like to get a better comparison of the other treatments in situations where wood is the only practical alternative. Give me a call when you get a chance.

Carl Schrader
Alaska Department of Natural Resources
Office of Habitat Management & Permitting (OHMP)
400 Willoughby Ave., 4th Floor
P.O. Box 111050
Juneau, AK 99811-1050

(907) 465-4287; FAX 465-4759

11/22/2006



City of Pelican

BOX 737 - PELICAN, ALASKA 99832 - PHONE: 735-2202/2203 - FAX: 735-2258 - E-MAIL: cityhall@pelicancity.net - WEBSITE: www.pelicancity.net

October 2, 2006

Mark Anderson
Environmental Impact Analyst
State of Alaska Department of Transportation and Public Facilities
6860 Glacier Highway
P.O. Box 112506
Juneau, Alaska 99811-2506

Re: Scoping Letter - Request for Comments

Dear Mr. Anderson:

Thank you for your scoping letter – request for comments dated September 11, 2006.

Project Impacts:

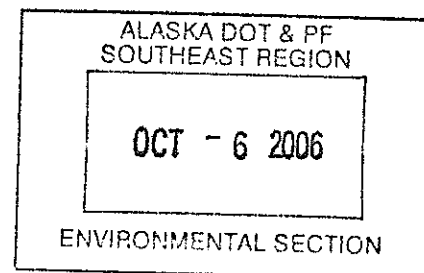
The third paragraph, last sentence states, “However, Pelican Creek, an anadromous fish stream with a small chum salmon hatchery, is located at the south end of the boardwalk.”

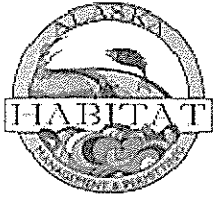
- The Pelican Creek is an anadromous fish stream; however, there is not a small chum salmon hatchery. There are pink salmon and chum salmon that naturally return and spawn in this stream every year.

The City concurs with other details described in the Scoping Letter – Request for Comments, Pelican Boardwalk Repairs, Project 69216. The City of Pelican has requested funds for Pelican Boardwalk improvements. The proposed improvements will address only the areas of greatest need for improvement. There will be minimal project impact to Essential Fish Habitat, excavation and fill work will occur at low tide with little or no effect on natural resources, wildlife and marine life. This project will follow Best Management Practices as recommended by resource agencies.

Thank you for this opportunity to comment.

Sincerely,
Patricia Phillips
Patricia Phillips
Mayor





MEMORANDUM

STATE OF ALASKA

Department of Natural Resources
Office of Habitat Management and Permitting


TO: Mark Anderson
Project Environmental Impact Analyst
Alaska Department of Transportation

DATE: October 3, 2006

FILE NO: Project #69216

THRU: Jackie Timothy

SUBJECT: Pelican Boardwalk Repairs

FROM: Carl Schrader 
Habitat Biologist

TELEPHONE NO: (907) 465-4287

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Thank you for the opportunity to comment.

Email Cc:

Al Ott, OHMP, Anchorage
Joe Donohue, OPMP, Juneau
Mark Fink, ADF&G, Anchorage
Garth Zimbelman, USACE, Juneau

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction - Preliminary Design & Environmental*

6860 GLACIER HIGHWAY
P.O. BOX 112506
JUNEAU, ALASKA 99811-2506
PHONE: (907) 465-4524
TEXT: (907) 465-4647
FAX: (907) 465-3506

September 11, 2006

Re: Pelican Boardwalk Repairs, Project
69216

**Subject: Scoping Letter - Request for
Comments**

Bill Hanson
Field Supervisor
USF&WS
3000 Vintage Blvd., Suite 201
Juneau, AK 99801

Dear Mr. Hanson:

The Alaska Department of Transportation & Public Facilities (DOT&PF) requests public and agency comments on a project to make repairs to the boardwalk in Pelican, Alaska (Vicinity map & general layout enclosed). DOT&PF will use Federal Highway Administration (FHWA) funding passed through the Denali Commission for this project and will prepare an environmental document. Your comments will assist us with the environmental document.

Need for Improvements

The purpose of this project is to replace failing members of the extensive boardwalk in Pelican as recommended by the Inspection and Condition Assessment prepared for DOT&PF by Peratrovich, Nottingham and Drage, Inc. Portions of the Pelican Boardwalk are over 50 years old. The boardwalk is in fair to poor condition and improvements are needed to ensure the safety of the traveling public in the future. The members to be replaced are damaged or have succumbed to dry rot.

Proposed Improvements

The project would replace 17 pilings, 17 pairs of cross braces, 14 pile caps and pipe supports and at least 7 sets of stringers. All of these members are pressure creosote treated wood and would be replaced in-kind with pressure treated creosote wood. The pilings would require a concrete footing, since pile driving would not be feasible under the existing boardwalk.

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Project Impacts

Lisianski Inlet is designated Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act and provides habitat for nearshore EFH species, herring, and migrating adult and juvenile salmon. As this project may adversely affect EFH, an EFH assessment is being prepared for National Marine Fisheries Service review and conservation recommendations.

Placing footings for 17 pilings would impact about 180 square feet of tidal Waters of the U.S. The footings would be excavated by hand or with a small backhoe to a two foot depth and a standard square concrete footing poured with a galvanized bolted pile fitting. Excavated material would be mounded back around the pile base over the concrete footing. All excavation and fill work would be done on dewatered tidelands during lower tide stages. The rest of the repairs would be within the structure itself and would not require excavation or fill in tidal waters. The boardwalk structure is in Waters of the U.S.; in-kind repairs would qualify for Nationwide Permit #3. Portions of the boardwalk trestle are fifty years old, so we will consider it for historic significance.

No anadromous fish streams, as identified in *An Atlas to the Catalog of Water Important for Spawning, Rearing, or Migration of Anadromous Fishes*, would be affected by the proposed project. However, Pelican Creek, an anadromous fish stream with a small chum salmon hatchery, is located at the south end of the boardwalk.

Impact Mitigation

Proposed project mitigation includes working during timing windows recommended by resource agencies and using Best Management Practices for construction. Existing creosote treated members to be replaced would become property of the contractor and removed for proper disposal.

Request for Comments

We request your comments on the proposed improvements, particularly concerning resources under your jurisdiction. To comply with certain interagency agreements, we also request the views of applicable agencies on potential effects to bald eagles and Threatened and Endangered Species. In accordance with the Millennium Agreement between the State of Alaska and Native tribes, we request the views of tribes and the public on the project's potential effects on cultural and historic properties. DOT&PF must also determine the extent to which this project would affect coastal zone resources. If you have any information that would assist us in making these determinations, please provide it. Your comments will be included in the project environmental document. We would appreciate your response by October 13, 2006.

Thank you for your consideration of this request for comments. If you have any questions, please call me at 465-4524 or e-mail at mark_anderson@dot.state.ak.us.

Sincerely,

Mark C. Anderson

Mark Anderson
Environmental Impact Analyst

Enclosures:

Vicinity map & general layout

Distribution list:

Ed Collazzi, Land and Water Manager, DNR

Joe Donohue, Project Review Coordinator, DNR, Office of Project Management & Permitting

Bill Hanson, Field Supervisor, U.S. Fish and Wildlife Service

Glen Justis, East Section Chief, U.S. Army Corps of Engineers, Anchorage

Jon Kurland, Chief, Habitat Conservation Division, NOAA Fisheries

Mel Langdon, Environmental Specialist, ADEC, Anchorage

Chris Meade, Environmental Specialist, U.S. Environmental Protection Agency, Juneau

The Honorable Patricia Phillips, Mayor, City of Pelican

Ed Thomas, President, Central Council of Tlingit and Haida Tribes of Alaska

Jackie Timothy, Alaska Department of Natural Resources, OHMP, Juneau

Cc:

Jim Evensen, PD&E Group Chief, DOT&PF Southeast Region

John Lohrey, Field Operations Engineer, FHWA, Juneau

Van Sundberg, Environmental Coordinator, DOT&PF Southeast Region

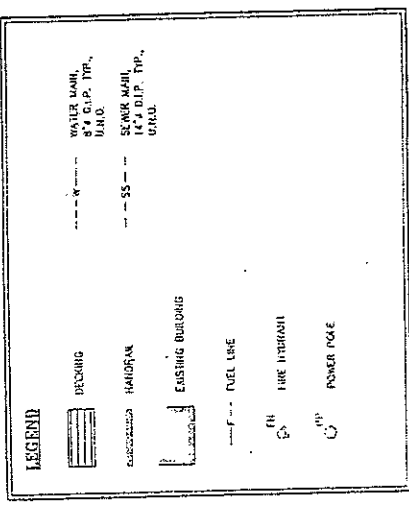
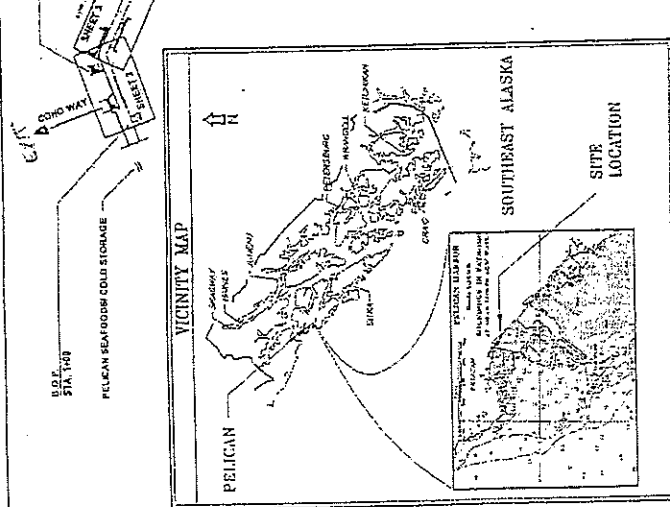
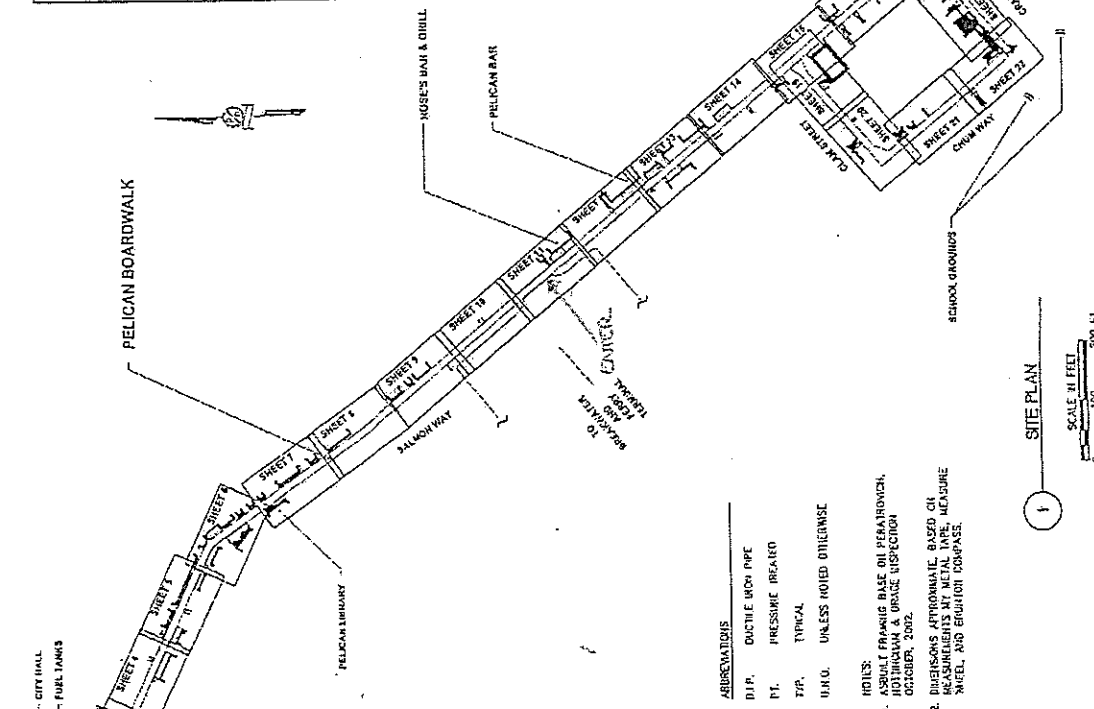
ALASKA DOT & PF
SOUTHEAST REGION

SEP 14 2006

PRELIMINARY DESIGN & ENVIRONMENTAL

SHEET INDEX

SHEET NO.	SHEET TITLE
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4	PLAN: SALMON WAY, BENT 15 TO BENT 20
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81	PLAN: SALMON WAY, BENT 400 TO BENT 405
82	PLAN: SALMON WAY, BENT 405 TO BENT 410
83	PLAN: SALMON WAY, BENT 410 TO BENT 415
84	PLAN: SALMON WAY, BENT 415 TO BENT 420
85	PLAN: SALMON WAY, BENT 420 TO BENT 425
86	PLAN: SALMON WAY, BENT 425 TO BENT 430
87	PLAN: SALMON WAY, BENT 430 TO BENT 435
88	PLAN: SALMON WAY, BENT 435 TO BENT 440
89	PLAN: SALMON WAY, BENT 440 TO BENT 445
90	PLAN: SALMON WAY, BENT 445 TO BENT 450
91	PLAN: SALMON WAY, BENT 450 TO BENT 455
92	PLAN: SALMON WAY, BENT 455 TO BENT 460
93	PLAN: SALMON WAY, BENT 460 TO BENT 465
94	PLAN: SALMON WAY, BENT 465 TO BENT 470
95	PLAN: SALMON WAY, BENT 470 TO BENT 475
96	PLAN: SALMON WAY, BENT 475 TO BENT 480
97	PLAN: SALMON WAY, BENT 480 TO BENT 485
98	PLAN: SALMON WAY, BENT 485 TO BENT 490
99	PLAN: SALMON WAY, BENT 490 TO BENT 495
100	PLAN: SALMON WAY, BENT 495 TO BENT 500



PROJECT NO. 75422
 DATE: APRIL 24, 2002
 SHEET 1 OF 36

DESIGNED BY: CL CHA
 DRAWN BY: JAB
 CHECKED BY: CAG

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 SOUTHEAST REGION

PELICAN BOARDWALK
 STATE OF ALASKA BRIDGE NO. 1260
 GENERAL LAYOUT, VICINITY MAP, INDEX

Production Record

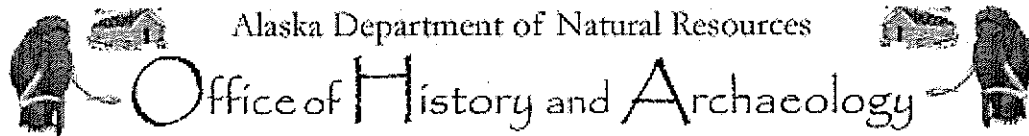
AHRSNO	SIT-00711
SITENAME	MAIN STREET BOARDWALK, PELICAN
DESCRIPTN	
SIGNIFIC	
LOCATION	
MAPSHEET	D7
STRM	NWNWNW, SEC.20, T45S, R57E, CM
MTRS	C045S057E20
CD	Y
AREA	0.25
SHAPE	Point
ASSIGNTO	BUZZELL, R. (BRIDGE) RH
CITATIONS1	
CITATIONS2	
CITATIONS3	
CITATIONS4	
CITATIONS5	
CITATIONS6	
CITATIONS7	
CITATIONS8	
CITATIONS9	
DESTRUCT	
CONDITION	A
ENVIRON	
ASSOCIATED DATE(S)	
PERIOD	Historic
RESNAT	Structure, Bridge, Transportation, Road
CULTURE	Euroamerican
PRESERVE	NDE
NHRDATE	
OWNER	
REPOSITORY	
ACCESSION	

Editable Record

AHRSNO	SIT-00711	?
SITENAME	MAIN STREET BOARDWALK, PELICAN	
DESCRIPTN		
SIGNIFIC		
LOCATION		
MAPSHEET	D7	N/A - Not Applicable
STRM	NWNWNW, SEC.20, T45S, R57E, CM	?
MTRS	C045S057E20	?
CD	Y - Loc calc by USGS Maps & DGL viewer or All T	
AREA	0.25	?
SHAPE	Point	?
ASSIGNTO	BUZZELL, R. (BRIDGE) RH	?
CITATIONS1		
CITATIONS2		
CITATIONS3		
CITATIONS4		
CITATIONS5		
CITATIONS6		
CITATIONS7		
CITATIONS8		
CITATIONS9		
DESTRUCT	<div>None reported</div> <div>Erosion</div> <div>Vandalism</div> <div>Agriculture</div> <div>?</div>	
CONDITION	<div>A - Normal weathering, undisturbed by anomalous</div> <div>B - Disturbed site or modified building, degree unk</div> <div>B1 - Partially destroyed</div> <div>B2 - Totally destroyed</div>	
ENVIRON	<div>Not Assigned Yet</div> <div>01 - Glaciers and Ice Fields</div> <div>02 - Lakes</div> <div>03 - Riverine</div> <div>?</div>	
ASSOCIATED DATE(S)		
PERIOD	<div>Paleontological</div> <div>Prehistoric</div> <div>Protohistoric</div> <div>Historic</div> <div>Modern</div> <div>?</div>	
RESNAT	<div>Structure</div> <div>Bridge, Transportation, Road</div>	
CULTURE	Euroamerican	
PRESERVE	NDE	
NHRDATE	(MM-DD-YYYY) ?	
OWNER		
REPOSITORY		
ACCESSION		

BIANO
 OTHERNO
 ENTRYDATE 03-17-2006
 RELIAB A1
 CODEDBY RJD
 UPDATE 09-26-2006
 ZONE 8
 EASTING 427483.2697
 NORTHING 6424819.1041
 LATITUDE 57 57 32.9228
 LONGITUDE -136 13 31.698
 DDLAT 57.95914523
 DDLONG -136.22547166
 GPSLAT
 GPSLONG
 GPSDDLAT 0.0
 GPSDDLONG 0.0
 CARD N
 CARDSTATUS NO DATA

BIANO ?
 OTHERNO
 ENTRYDATE 03-17-2006 (MM-DD-YYYY) ?
 RELIAB Source: A - Professional Reports, records and
 Location: 1 - Location exact and site existence
 CODEDBY RJD ?
 UPDATE Old: 09-26-2006 New: 10-03-2006 (
 ZONE 8 ?
 EASTING 427483.2697 ?
 NORTHING 6424819.1041 ?
 LATITUDE 57 57 32.9228 ?
 LONGITUDE -136 13 31.698 ?
 DDLAT 57.95914523 ?
 DDLONG -136.22547166 ?
 GPSLAT ?
 GPSLONG ?
 GPSDDLAT 0.0 ?
 GPSDDLONG 0.0 ?
 CARD No, card has not been completed ?
 CARDSTATUS NO DATA ?



AKSAS 697-16
CC 24433088
LC 30103722

LE
EF14
104
NWP 3

Evensen
8-17-06

Scope of work for Pelican Boardwalk Repairs

Table 4 in the PND report outlines the items that should have been replaced 2 years ago. Since we only have \$300,000 (less what it costs us to get the environmental documents and permits) we will focus upon replacing all the items listed in table 4 (see page 11-13 of attached report). A summary of the items are:

1. Piles - 17
2. Cross Braces - 17 pairs
3. Stringers - 7 sets (min.)
4. Pile Caps /blocking /pipe support - 14

Discussions with the marine section concerning how best to replace the 17 piles when a barge can not be brought in to drive the piles, has resulted in the recommendation to set these piles by hand.

This will consist of excavating by hand or by small hoe through the active surface layer (a 2 foot depth is their recommendation) then placing a standard concrete square footing with a galvanized bolted pile fitting to hold the pile in place on the concrete footing. Calculations are being run now by the consultant to size the footing, but an estimate of 4 foot square is conservative. The excavated material would be mounded back around the pile base (over the concrete footing) to finish the installation.

Excavation Quantities:

4' x 4' x 2' = 32 cu ft. each Pile.

32 cu ft. x 17 piles = 544 cu ft. or 20 cu yds. This material will be put back in the same location it was taken from.

The rest of the repairs are within the structure itself and will not require excavation or fill to in wetland/waters of the US to accomplish. They will of course be working under the boardwalk and will therefore be *in* wetland/waters of the US to accomplish the work.

I have attached the PND summary report for you to read if you wish (highlighting table 4 which is the scope of replacement items this funding cycle).

I have also attached the "as built" drawings and highlighted the location of the repairs called out in Table 4.

If you have additional questions, please feel free to ask. If I don't know the answer, I'll get it. Please engage on completing the environmental document and permitting now. We have authority to Environmental Document.

Mark C Anderson

From: Jim Evensen [james_evensen@dot.state.ak.us]
Sent: Tuesday, August 29, 2006 2:09 PM
To: 'Mark C Anderson'
Subject: Pelican Codes

Project: AKSAS #69216

Ledger Code: 301037-21, 22

Collocation Code: 24433088

Program Code: 57201

Go forth my son and be productive!

James A. Evensen, P.E.
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ADOT & PF
Southeast Region Design & Engineering
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6860 Glacier Highway
Juneau, AK 99801-2506
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8/29/2006